UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

NOTICE OF DOCUMENT DISCREPANCIES

FILED
2007 NOV 27 PM 1:11
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY [signature] DEPUTY

TO: ☐ U. S. DISTRICT JUDGE / ☒ U. S. MAGISTRATE JUDGE Brooks
FROM: R. Mullin, Deputy Clerk RECEIVED DATE: 11/16/2007
CASE NO.: 07cv2183 DMS (RBB) DOCUMENT FILED BY: Petitioner
CASE TITLE: Cunningham v. Marshall
DOCUMENT ENTITLED: Motion for Stay and Abeyance

Upon the submission of the attached document(s), the following discrepancies are noted:

✓	Local Rule	Discrepancy
☐	5.1	Missing time and date on motion and/or supporting documentation
☐	5.3	Document illegible or submitted on thermal facsimile paper
☐	**5.4**	**Document not filed electronically. Notice of Noncompliance already issued.**
☐	7.1 or 47.1	Date noticed for hearing not in compliance with rules/Document(s) are not timely
☐	7.1 or 47.1	Lacking memorandum of points and authorities in support as a separate document
☐	7.1 or 47.1	Briefs or memoranda exceed length restrictions
☐	7.1	Missing table of contents
☐	15.1	Amended pleading not complete in itself
☐	30.1	Depositions not accepted absent a court order
☐		Supplemental documents require court order
☐		Default Judgment in sum certain includes calculated interest
X		**OTHER: Document already on file (Docket #3).**

Date forwarded: 11/16/2007

ORDER OF THE JUDGE / MAGISTRATE JUDGE

IT IS HEREBY ORDERED:

☐ The document is to be filed nunc pro tunc to date received.

☒ The document is NOT to be filed, but instead REJECTED. and it is ORDERED that the Clerk serve a copy of this order on all parties.

Rejected document to be returned to pro se or inmate? ☐ Yes. Court Copy retained by chambers ☐

Counsel is advised that any further failure to comply with the Local Rules may lead to penalties pursuant to Local Rule 83.1

CHAMBERS OF: DMS

Dated: 11-27-07 By: [signature]

cc: All Parties

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Form # Civ/Crim 35 (4/98) -- [Docuument Discrepancy / Court Order]

James H Cunningham III
California Men's Colony State Prision
P.O. BOX 8101 (62)
San Luis OBISPO, Ca. 93409-8101
In Pro Per

REJECTED

UNITED STATES District Court
SOUTHERN District of CALIFORNIA

James Cunningham
Petitioner,

V.s

John Marshall (Warden CMC)
Respondent

MOTION for Stay And Abeyance of Federal Habeas Corpus Petition To Exhaust Additional unexhausted Claims in The State Courts.

Petitioner, James Cunningham in proper, respectfully moves this Honorable Court for a stay and abeyance of his Federal habeas Petition, While Petitioner goes back to the State Court to Exhaust additional unexhausted Claims that were not included in the Petition in wake of The U.S. Supreme Court recent decision in - Rhines V. Weber 2005 124 S.Ct. 1528.

This motion is based on the facts and memorandum of authorities stating why the District court should grant the petitioners stay and abeyance.